



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bell et al.

: Group Art Unit: 3762

Serial No.: 09/677,375

: Examiner: Deak, Leslie R.

Filed: September 15, 2000

: Confirmation No.: 2748

For: EXTRACORPOREAL ENDOTOXIN REMOVAL METHOD

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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for Express Mail in an envelope addressed to: The Assistant Commissioner for Patents, Washington DC 20231 | | |
| October 7, 2002 Date | <i>Nina Norman</i> Nina Norman | EL 946697534 US Express Mail Tracking Number |

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of September 10, 2002, requiring restriction of the above invention to one of the following:

Group I, Claims 1-19, amino acid composition and a device containing such a composition;

Group II, Claims 20-23, method of treating blood by withdrawing, filtering, and returning to patient;

Group III, Claims 24-26, method of preparing an amino acid composition,

Applicants provisionally elect Group I, claims 1-19, with traverse. Applicants reserve the right to file one or more divisional applications for the non-elected claims.

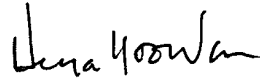
Applicants respectfully submit that the claims in Groups I and II are technically linked. Group I claims define amino acid compositions and devices containing such compositions useful for removing endotoxin. Group II claims define methods for removing endotoxin extracorporeally. However, the claims of Group II recite specifically that the method (e.g., claim 20) use an adsorbent containing a composition of the Group I claims. Accordingly, the practice of the Group II claims require the compositions of the Group I claims. Thus, the claims of Groups I and II are technically linked. Because of this relatedness, if the compositions of the Group I claims are novel and nonobvious, the method claims comprising the compositions would also be novel and nonobvious. A single search and examination directed to the common novel element of both groups, i.e., composition, should show that all claims are patentable based on the novelty and nonobviousness of the composition. Therefore, reconsideration of the Restriction Requirement and simultaneous examination of the claims of Groups I and II are respectfully requested.

Applicants further submit that the claims of Groups I and III are technically linked. Group I claims define amino acid compositions and devices containing such compositions useful for endotoxin removal. The Groups III claims define methods of making such compositions. However, the Group III claims specifically recite that the products made by such methods would be the compositions defined by the Group I claims. Accordingly, the claims of Groups I and III should be examined simultaneously.

Base on the foregoing arguments, it is submitted that the claims of all three Groups are technically linked by a common novel element (i.e., composition) and thus simultaneous examination would not cause extra burden to the Patent Office. Therefore, it is respectfully requested that the Restriction Requirement be reconsidered and all the claims of Groups I, II, and III be examined together.

It is believed that the present submission does not require the payment of any fees. If this is incorrect, however, please charge any fee due under the foregoing Rules to Deposit Account No. 07-1969.

Respectfully submitted,



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